

(2)

973 Clark - ① Legal memo from Leg. Counsel
974 ACTION - avoid McC. Cos.
974 ② Agency Handbook.
975 ③ Memo re McNamara
978 ④ Stat. of Facts

30 Jan Tuesday.

1094 Mansfield - Effort to postpone to Friday
Sullivanstall objected, then Dickson
to Thurs. Russell in the deal.

1115 Clark - Experience, Conflict of interests
Objectivity

1117 Current ops should be revealed in Exec. Session
to both parties & both House & Senate.

1117 Advise Congress about re-orgn. of CIA.

1117 Place under Sec. for Relations.

1117 Liberal? Peace? Disarm?

1117 Hopes Comm's will work out more adequate

1118 Clark Calls on Gov't off. To investigate .

1118 Would suffice as Sec Def or Sec AF, Navy, Army.

1118 Lowest Stand. of Cal. stock -

1119 Pell Windows in Bldg .
for 54 Comm.

1120 Symington - Reads memo on
Conflict of Int. - LRH opinion .

1122 Mansfield . Revise Conf. of Int. Statutes

1124 Case L For. Bottoms - Tax Exemption

1125 Cal Ship. won Profits

1125 "Hope that McCone will learn of
my statements on Fleec."

1126 Referring to Setonstall's query on trust
but sequence is mixed up as
Case relates it. McCone did
respond to Case's questions

1126 Bartlett ~ Aramco .

1128 Clark - Says LRH opinion superficial - compares
to Leg. Coms . - However, both say the same .
Wrongly quotes LRH - actually is Atty Gen'l .

Monday 29 January

884

and was ordered
12:05 Mansfield asked that M'Conne
nomination be placed at foot of calendar.

894

Mansfield asked unanimous
consent that the vote be taken at
2 o'clock on Wed. 31 Jan in accord
with a request received from a
colleague - presumably Mr. Morse.

OK

884

894

925

McCARTHY first -

- 1- ranks in importance about of most cabinet departments -
- 2- Joint Committee
- 3- No regular reporting to Congress
- 4- Supervision

926

5- Harry S. Truman

6- Charles Wilson

7- Hansan Baldwin

8- Walter Lippmann

9- Allen Dulles

10- Congress, along with President, has responsibility for determining Foreign Policy.

11- C.I.A. head will take on great responsibilities and acquire great power which insofar as Congress is concerned, he can exercise with little or no supervision.

12- Although the head of OSA is not a member of the U.S.C., he briefs and thus remains and participates in the discussions

13- Statutory basis -

→ specified broadly in

- operational guidelines are some two dozen codified NSC intelligence directives, approved by the President.
- operational actions (U-2, Cuba) must be approved by Pres. who has had advice in form of a special USP subcommittee on clandestine operations.
- Pres Bd of Consultants -
2nd patrol Clark.
 - Chairmanship
- C&SI. Intel Secy to 3 major criticisms:
 - ① Functions of
 - ② Control by responsible authority
 - ③ Effecting of existing organizations &
 - ④ the problem of Secy.

14-1 It is true CIA operates under Pres directives and is supervised in a general way or checked upon by interdepartmental groups from the NSC. They participate in both intercepting intelligence information and carrying out "counterintelligence" operations. But the principal

intelligence advisor and
the highest authority
remains the DCI who
is armed with with
extraordinary secrecy
inside the Government
and with a secret budget.

Ransom —

15- Without central policy
guidance CDA may
write its own ticket

927

16- Sen. Douglas - Masses speech

17- ~~McCarthy~~ Allen Dulles - Roosevelt

18- ~~McCarthy~~ Perhaps in keeping with the
operation of the Agency - no attempt
to repudiate or to deny —

19- ~~McCarthy~~ Suppose action may well
have been taken without the
knowledge of Dir of CDA.

20- ~~McCarthy~~ Since Senate has a particular
responsibility in the determination
of the policies to be carried out
by the State Department, we need
to be particularly concerned to
be sure that Central Intelligence
is not carrying out a contrary
~~policy~~

~~Each of us has our
own idea of what
is best for the
country.~~

~~21-Symington~~

Senators would not wish to saddle any new incumbent to D.C. any possible mistakes of the past?

~~22-MCC~~

Sen D marks are illustrative of a possible situation in which both the President and the State Dept., as well as Congress, would have been called upon to take an action which neither had really approved.

~~23-Symington~~

If Pres believes something has not gone well with C.D.A. would there be criticism for attempting to ignore protest through a change in negot?!

~~24-Jackson~~

Does Senator MCC imply lack of constitutional control over the head of C. I. A.?

a- Head of C. I. A. is under the President and responsible to him and reports to the National Security Council. ie going no constitutional control!

b- There is Congressional Control

~~Should Congress then either it might~~

~~be better -~~

e - we should be careful when we discuss any specific activities.

May unwittingly give aid and comfort to enemy in a cause!

25 - ~~Sayles~~ Not bringing secrets with respect to any matters which have not already been made, but indicating responsibility lies with CIA not the foreign service.

26 - Jackson there is plenty of room for a proper discussion of the organizational structure

of CIA - however - I believe we should be careful about dealing with particular activities.

McCarthy → appreciate the administration -

28 - ~~September~~ I have heard something of this story with different interpretations - I do not know which is true. - but no chance for CIA to affirm or deny -

29 - ~~October~~ go affirm ~~or deny~~
Agency would have to enter public discussion which would itself be

928

Does he agree to go into
particulars of the this
point? see p. 929 17-
part
point
etc 5
etc 3 last PP

929

P925

~~Congress is not fully involved in preliminary decisions of major consequences~~

~~and foreign policy decisions~~

~~are not made by Congress~~

~~but by the President~~

~~and Congress has no power to control them~~

Mr. McCarthy's Thesis -
a judicial question -

~~procedures and
principles of
the agency~~

31- Saltanoff's primary objective today
is to determine whether
Congress is qualified and to
determine the question affirm-
atively or negatively. Then we
can take up the question of
procedure and determine
whether the agency is fulfilling
its duties - in excess session.

"I certainly would be very
glad to be helpful in
trying to solve this problem,
because I have heard the
subject discussed for the
last 6 or 8 years."

32- McCarthy - It is question of whether
or not a kind of failure under
the Constitution - in that
Congress is not fully
enough involved in preliminary
decisions of major consequences

929

b- ~~Symington~~ would not demand of authority and responsibility of DCS be the decision of the Pres.

c-^{McC} Pres!

d-McC on character and ability - There is a clear obligation imposed on the Senate to pass an independent judgment.

e-McC - We need to make a more careful examination of the nominee than we would if he were being appointed to some other position.

f- McC - Pres of supervision and direction and effectiveness has been raised by a number of special committees and a number of special inquiries -

g-^{McC} Pres is nominal head of hundreds of agencies; he cannot be kept fully informed at all times of the activities of CIA.

h- Has CIA in the past carried out actions w/o

release of executive documents, decisions and policies on which you based your conclusions and recommendations

→

w/o auth of statute or of
resolution or of treaty
commitments - basic question
of legality or constitutionality
of procedure?

i - Supervision Also mentioned before
Annual Session that Ambassador
to Soviet told me he felt he had
had the most to do with it.

j - McC I do not question
whether CIA or Ambassador
did it - goes of justification
for the action in terms of
some judicial basis
remains open to question
in either case. I am
not saying CIA was
operating independently or
without approval by the
State Dept. The fundamental
question of control would
exist even though the
CIA was not involved
in those activities, in
which there was some
involvement on the part
of our Government itself.

1. McClellan
 Alternative proposals for
 strengthening Central Services
 control; or joint Com'tee;
 or for Adm's & Ex. Affairs;

930

33- Mr. Greening - nomination
 to For Adm's rather than Central
 Services —

34- Mr. McClosky The activities
 of the Central Intelligence Agency
 are more in the nature of ones
 in which the Foreign Relations
 Counter exercises jurisdiction —
 also by tradition and legislative
 Central Services —

35- Peterson there is a heavy
 military committee (in Dept of Ed)
 which is Armed Services and
 prior to Military Affairs Com'ty

36- Saltashall - CDA was set up
 as a follow-on of the OSS.

37- Greening I hope Congress
 will have the wisdom to
 create an oversight
 committee by which the
 Foreign Relations Counter and
 Central Services Com'ties may
 monitor and control this

~~Agency which is now responsible
to no country or Congress and is
responsible in this aspect~~

~~38-Sen MEC - Basic leg who developed
basic Agency information which seems was sound in terms
of concept of CDTA when drafted.~~
~~Sen MEC - CDTA is carrying on activities
which are far beyond what was
contemplated when same - goes
beyond unenumerated functions
of CIA & State Dept.~~

93!

39- Sen Battell gave additional ~~for~~
~~the~~ ~~to~~ ~~joint committee~~ is
Sen Battell - if Joint Committee
~~a~~ or if info to Congress - how
 far same should it be disseminated
 b- McCloskey - determination who
should be given this in-
formation is not a
determination made by
Congress except in rather
vague language of the
act which established CDTA,
but it is primarily a kind
of selective determination by
Government itself

2- Saltanstall We have never been refused any information of any character for which we have asked.

3- Would say we could do more (surveilling) than we have done if we felt it was necessary - There has never been any limit of supervision placed on us by the C.I.A. etc.

40- Gruening advised by responsible member of foreign Service that in certain countries C.I.A. operates w/ complete independence of the U.S. Mission & that our diplomatic rep's are not even informed what C.I.A. Agents are doing in the country.

a- Saltanstall - I would say that

41- Fulbright - What does law require by way of reporting to any country?

42- McCARTHY - Qualifications for a D.C.I.

a- A.D.I. should be more interested in finding evidence and passing obj. judgment on it than in attempting to polarize opinions or to support a set position.

functions of intelligence collection, its analysis and underground foreign political action. — It would be unwise to attempt to match the proficiency of communist regimes in subversion as the avenue to the attainment of national objectives. There is no point in America's fighting totalitarianism by imitating it.

43- Symington Who is Mr. Symington -
has he any intel. experience -
a- Mr. Clegg - Vanderbilt College Staff.
He has written a book & believe
is perhaps the best thorough book
regarding into the whole question
of the organization and the
operation of the Central Intel.
Agency -

44- Fulbright - On separation of
the functions -

a- Question before the Senate is
not whether C & D properly
constituted but whether after

b- I am fearful that this bad

will not have opportunity to
possess over the generation of a
just cause or other
cause which equally would
have responsibility for
the supervision of C.I.Q.

C- W.H.Carthy I agree

933

44- M'Carthy - Mission of Qualifica-
ture "to examine control over Adm."

a - should be a man who has taken a stand on at least one who has views on some of the broad and complicated policy questions that have been known.

5 - Constitutionality of Agency Actions
No full or particular answer was made by the examinee

or as to methods which can
be used by the Agency - this is
a gray area I know and one
in which I did not expect
a specific moral judgment or
a fine ethical dictation.

934

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935
=

16- Gathurst Not I Sec Adm
plans 102(d) in
view

17- McC - fears of constitutionality
would arise to determine whether
CD's performed duties which
Not I Sec Council had not directed,
and also whether NSC may have
directed things which were
extra-constitutional and in
which proper participation
of Congress itself was not
provided for.

18- McC Perhaps should ask
for representation from
Congress on the NSC. This
might be an alternative to
a joint committee —

19- Bartlett - favorably
impressed by Mr. McCone's
statement to Senate Select Committee that
Agency ~~cliff purpose as being~~
~~was principally~~ a gathering of facts —

20- Spruington Meets in
in suggestion for congressional
representation on the Not I Sec
Council - and hope from him
the best on the idea —

51 - McCathy begins confirmation

52 - Fulbright asks for policy views
of Mr. McCane -

937
53 - McCathy - This raises a
rather serious question in
regard to what is the real role
of the Senate in regard to acting
on the question of confirming
a presidential nominee -
for instance whether the
Senate is to take the position
that the point of view of the
nominee has no relationship
to the question of confirming
and should not be referred
into -

54 - Saltasstaff - Policy views by
McCane could affect his
vote -

55 - McCathy - Agency has been a
policy making body and has
had great influence on policy.

56 - Scientists - Isenberg -

935

same as 45 on p. 934

57- Letter to Russell

p 939-60

58- Rosenau - Secret Mission
in an open Society -

941

59- Nibson - Conflict of Interest
a- States - This nomination
attracts attention to the fact that
without undue delay both the
House and the Senate now
ought to direct efforts to the
business of naming the Conflict
of interest states with
which we are presently dealing.

942

60- See Anderson - Agency by
JCAFE

943

61- Seymington - McCarran willing
to do whatever JCAFE desired -

944-5

62- JCAFE extract & coming
letter -

946

63- Jackson - not Conflict of interest
Rosenau but concern for his hard
tough policy in relation to San Univ.

973-4

① 44- Clark - memo of Senate leg
Counsel for Sen Clark -

974

② 45 Clark - Submission of Agency
rules on employee conduct -
a - Springton - Document was
not furnished nominee -
b - Sym - Nominees caught
writing to aide by miles
of counter -

975-6-7

③ 46- Clark - McCullough memo

978

④ 47- Statement of fact from Clark's
staff -

Tuesday - 30 Jan - 62

1094

- 1 - Mansfield up for man date
to delay vote to 2 PM Friday
- 2 - Salterstall obj -
- 3 - Mansfield to 2 PM Thursday
- 4 - Durban obj. and offer to
pair with (wires)

1115

Clark - question as to
textbook he was now -
number's expense,
6 - good judgment in terms
of this particular job -
7 - except of intent - deletion
serious legal question
should be referred to Dept.
of Standard Oil of Calif.

1116

8 - the three previous Dr's
and member of committee
in view of question it
is evident A present
should be referred to Dept.
of Standard Oil of Calif. expense -
9 - Description of Agency functions
10 - ① Pres ② Sec of State and ③
at least same number of
Congress - and Congress has
the power to declare war - should
have knowledge in advance
and should be kept constantly
informed as to what the "Department
of State" does -

1117

1117

10-b That the D.C.D. play no part
 in policy making - may be true in
 collection - evaluation and dissem-
 ination of intelligence; or with
 respect to his secondary function,
 coordination of that work with
 the work of other agencies of the
 Government and public interests.
 Best as to covert operations D.C.D.
 does make policy which may
 affect the lives and the health
 of many millions.

11 Question whether there is
 not a much stronger case for
 having the overseas intelligence
 functions under the Foreign Com-
 mission than under and since.

12 McCloskey - Projects by C.I.A.
 to ~~protect~~ ~~serve~~ Comint is not a
 matter of determination of law
 itself best is a choice which
 is made by the executive.

a - Agreeably - Only leg. control
 exercised under statute arise from
 fact that every exec. Agency must
 come at some time for appropriations

13 - Clark - writing in States of War to indicate

over the Agency or intelligence generally

1118

a - Subsection (6) of same rule XXV under functions of the Counter or For Rel's, the first subsection is "Relations of the U.S. with Foreign Nations generally - report on which relations is the principle function of C.I.A.

b - Leadership should give consideration to whether jurisdiction should not be moved to under the For Rel's Counter.

(4)
1) a - Would hope Gov't Ops would undertake a very careful investigation of C.I.A. in very near future (1) to assess effectiveness of operation (2) extent it should be now - gauged if at all (3) whether "Ops of Army Units" counter & operations should be separated from intel gathering functions

14 "I suspect Mr. McCane is not a man of judicial temperament"

a - Would support ^{McCane} for Sec Navy or Sec Army or Sec War or Sec Air but suspect doubt with man of the temperament of an advocate is the proper kind -

b - A long or amplest-of-interest
~~Revised~~ should be enforced - almost a construction

115

that McCarran stand by Calif
million holding is both a
legal violation of the conflict
of interest laws but also a
very unsafe holding for him to
continue. I hope he will
dismantle by sale -
sacrifice substantial tax -
unfair

d- McCarran agreed to sell and
Armed Services Committee did not
feel trust would remove
conflict

116

15- Symington: Makes no dif whether
nominees know of Agency or -
he offered both times to do the
holding of Senate committee (VCRA
+ Armed Services)

a- If a criticism left to continue
holding standard should be
lodged against Committee on
Armed Services

16- Clark: Every well informed American
knows American oil companies
are deep in politics of middle
East

Not a file

17 Clark nominee not qualified
by temperament - a protagonist
or advocate - his view Clark
should remain an military
strength is a better policy -
because holding of Stand of Calif
violates law with respect
to complaint of interest - I
oppose nomination

18 Bell Although for nomination
associates self with
organization current of
Clark & McCathy - (airflow)

1 - reduction in size 2 -
separation of collection ^{of info} from
operations 3 - watchdog
center - because absolute
power corrupts absolutely,
but unwatched absolute
power corrupts even
more absolutely -

19- Spyming too - more an
conflict of interest - & L R H
opinion

a- " If there is any dif-
ference it is a difference

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because
handle his holdings as the country's business demands -
Mr. McCane has agreed to

1120

20 Smathers - ~~Mr. McC's~~
 outstanding qualifications, his
 tested ability and unquestion-
 able character are matched by
 few now.

profile

S

I have completely read biography
 before Senator on General Smathers
 in nomination of John F.
 McCarran to be Secy of Defense
 and have concluded that
 in the light of his background
 and wide range of
 experience in positions
 of high public trust
 under both Demo & Repub
 administrations that the
 people of the United States
 are indeed fortunate to
 obtain his services once
 again.

1121

21 Mansfield - endorsement
 of nominee -

a- Conflict of interest
 legislation - supervision

profile

1121

22 - Case (S.D.) 1 - gov of tax status
 a- for play. 2 - for corporation

11/25

- b- 3- Cal Shipbuilding
- c- 4- W W II profits
- d- 5- exemption from
operation of reorganization
statute.
- e- 6- Maritime Law.
presumed to exempt
operations from majority
statutes.
- f- "Hope Mr. H. Cane will stand by
my statements on floor"
- g- Should like to know whether
or not for Corp's ad op's
under the flag, has
exempted all of the income
from liability for taxes of
the U.S.

11/25
com
profile

- h- in conduct of a trust - questions
 ① What are a man's interests?
 ② What is his background?
 ③ Is he a tycoon?

11/26

- 23- Bartlett - I came away
from the Committee hearing
with the idea that he is a
devoted man and a man
of integrity according to the

Bartlett -
a- Bianco - my feelings
are so close to being
identical with his (Case SD)
and I too do not know if
this time have I shall
finally note.

1128

24- Clark - LRH opinion
superficial & not precision
suggests wiser legal
guide is (U.S. v Miss. Valley
Smelting Co., 344 U.S. 520 1961)
Supreme Court -